IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 14298 of 1994

Between:

A. Ramesh S/o. Late A. Sankarachari
R/o. Siddiraju Kandriga(V) Pichatur Mandal, Chittoor District.

..... PETITIONER

AND

1 Tirumala Tirupati Devasthanam Rep. by its Executive Officer
Tirupathi, Chittoor District.
2 D. Suresh Babu S/o. Kongaiah Chetty
R/o. at No.1, Kola Street, Tirupati, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 1st Respondent in not appointing the Petitioner as Jewellery Appraiser in T.T.D. in spite of the selection of the petitioner in the existing Vacancy, is illegal and further direct the 1st Respondent to appoint the Petitioner as JEWELLERY APPRAISER in TTD, with effect from 9-4-1993 and to give all consequential benefits, therto, by setting aside the order of appointment of the 2nd Respondent by the 1st Respondent, as Jewellery Appraiser by order dated 9-4-1993, as arbitrary, illegal and contrary to rules.

Counsel for the Petitioner:MR.A.BHASKARA CHARY

Counsel for the Respondent No.1: MR.R.VENKAT RAO STANDING COUNSEL FOR T.T.D.

Counsel for the Respondent No.2: None appeared

The Court made the following :

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ORDER

This writ petition is filed challenging the action of the 1st respondent in not appointing the petitioner as Jewellery Appriaser in the Tirumala Tirupati Devastanam, inspite of the selection of the petitioner in the existing vacancy as being illegal and arbitrary and consequently direct the 1st respondent to appoint the petitioner as Jewellery Appraiser with effect from 7-4-1993 with all benefits.

The case of the petitioner is that the post of Jewellery Appraiser is a unique post, to be filled up by a candidate from among the Goldsmith by profession, however, the 1st respondent appointed the 2nd respondent in the first vacancy, who belongs to Vysya Community. The qualification prescribed for the post of Jewellery Appraiser include practical experience of not less than ten years in evaluating Gems, Gold, Silver etc., and possessing proficiency certificate given by any reputed concern in the testing of precious stones. The grievance of the petitioner is that the 2nd respondent does not satisfy both these conditions and as such, he is not eligible to be appointed as Jewellery Appraiser.

The first respondent filed counter alleging that the petitioner applied for the post of Jewellery Appraiser pursuant to the notification issued by T.T.D. and attended for the written test and interview conducted by the 1st respondent and at the time of notification there were only two posts. The eligibility prescribed for the said post is pass in S.S.C. and practical experience of not less than 10 years in the field. The written test and oral interview was conducted in the presence of

Joint Executive Officer and the selection was made on certain established procedure, and one D.Suresh Babu, the 2nd respondent herein has been selected for the said post who belongs to O.C. category and passed B.A. and got experience certificate from Sri Balaji Jewellary mart, Tirupathi as such the 2nd respondent was appointed as Jewellery Appraiser vide office orders No.E1/50343/88, dated 9-4-1993 and posted as such in T.T.Parakamani,Tirumala and he was also further ordered to undergo training under the present jewellery appraiser at Parakamani. The selection of the 2nd respondent was made purely on the recommendations of

the Selection committee constituted for the said purpose and it is not contrary to the rules and article 14 and 16 of the Constitution of India. Regarding allegation that the 2nd respondent is running a fair price shop, the official respondents states that they were not known about the same.

Heard learned counsel for the parties and perused the material available on record.

As seen from the record, it is clear that the petitioner attended the written test for the post of Jewellery Appraiser and subsequently he was called for interview for the said post. But the 2nd respondent who is also one of the candidate for the Jewellery Appraisser post was selected and was posted as such at T.T. Parakamani. The qualification required for the said post is pass in S.S.C. and professional experience of 10 years. As per the counter averments, the 2nd respondent passed B.A. and got experience of 11 years in the said field. The Selection Committee which was constituted for the said purpose found that the petitioner's number in the interview test stands at Sl.No.21, and that it recommended the name of the 2nd respondent after his interview along with others for the post of Jewellery Appraiser and accordingly he was selected and appointed vide office order No.E1/50343/88 dated 9-4-1993. In the absence of any rules being in vogue which mandates the respondent to appoint a candidate from among the goldsmith profession, and in as much as the present qualification prescribed is only pass in SSC and profession experience of 10 years, and that as the 2nd respondent was selected by a duly constituted Selection Committee, the relief sought for by the petitioner that the said post is to be filled from among the goldsmith profession cannot be entertained. Therefore, I do not see any ground to entertain the Writ Petition exercising the Writ Jurisdiction under Article 226 of the Constitution of India, at this stage.

In the circumstances, the Writ Petition fails and it is accordingly dismissed. No costs.

28-10-2004.

Hsd

Assistant Registrar

// true copy //

Section officer

To,

1.The Executive Officer, Tirumala Tirupathi

Devasthanams, Tirupathi, Chittoor, Dt.

2. 2 C.D. copies.